

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG,
FACEBOOK, INC.,

Defendants.

ORDER

10-CV-569A(F)

By order filed October 20, 2011 (Doc. No. 169), Plaintiff was directed to show cause why the Notice of Withdrawal filed by Jeffrey A. Lake, Esq., Plaintiff's co-counsel of record, should not be stricken as non-compliant with Local Rule of Civil Procedure 83.2(d)(2). Plaintiff has failed to do so.

Local Rule 83.2(d) permits withdrawal of counsel by motion, L.R. 83.2(d)(1), or, without court order, by stipulation, L.R. 83.2(d)(2). A stipulation of withdrawal required, as relevant, "all counsel of record" execute the stipulation. Plaintiff's Notice of Withdrawal does not include any signature by Defendants' counsel. Accordingly, it is ineffective to permit Mr. Lake's withdrawal and must be struck.

CONCLUSION

Based on the foregoing, Plaintiff's Notice of Withdrawal (Doc. No. 168) on behalf of Jeffrey A. Lake, Esq., is struck without prejudice.

SO ORDERED.

/s/ Leslie G. Foschio

LESLIE G. FOSCHIO
UNITED STATES MAGISTRATE JUDGE

Dated: October 21, 2011
Buffalo, New York